

WAC 463-30-120 Filing and service.

(1) Filing. In each case, the council will specify the number of copies required for motions, related pleadings, and exhibits which must be filed with the council. Filing of any document shall be deemed complete only upon receipt by the EFSEC manager or other authorized agent of the council. Receipt in the council's telefax machine, or similar device, does not constitute filing. Under unforeseen circumstances, a party may request and the council manager may grant authority to file a document by facsimile. If a document is filed by facsimile, the council must receive the required number of copies on the following business day. ~~Unless in a particular case the council specifies a different number of copies, every pleading submitted to the council shall be filed with two copies.~~ Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.

(a) Applications. Applications for a site certificate shall be filed in the manner prescribed by the rules governing such applications.

(b) Other pleadings. All pleadings, briefs, motions, settlement agreements, and prefiled evidence shall be legible and a copy shall be served upon each party to the proceeding.

(2) Service.

(a) Service by parties.

(i) Service of pleadings, briefs, motions, settlement agreements and prefiled evidence by parties shall be made by delivering one copy to

each party in person, by mail, properly addressed with postage prepaid, by commercial parcel delivery company properly tendered with fees prepaid, ~~or by~~ If authorized by the council manager, pleadings, motions, and exhibits not exceeding twenty five (25) pages may be served by tele-facsimile transmission, where originals are mailed simultaneously. Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings before the council.

- (ii) ~~Service of pleadings by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.~~ upon:
 - (a) delivery,
 - (b) deposit in the mail or accepted for delivery by a commercial parcel delivery company, or
 - (c) successful transmission by facsimile, if authorized, provided the document is deposited in the mail on the date of the facsimile, or
 - (d) sending by electronic mail upon parties who have specifically waived their rights to other forms of service and who specifically accept service by electronic mail.
- (iii) Electronic Mail Waiver. A party may expressly allow service upon it by

electronic mail through a waiver of the statutory service requirements.
A party may make a waiver as to all other parties, a limited waiver as to
certain parties, or a mutual waiver by stipulation with another party. To
make a waiver, a party shall file a one-page pleading stating that it
“waives the protections afforded by RCW 34.05.010(18) and WAC 463-
30-120,” and that “service upon it by delivery, United States mail,
commercial parcel delivery, and/or facsimile is unnecessary,” and that it
“expressly authorizes service upon it by electronic mail.”

- (iv) Serving by Electronic Mail. When a party serves a pleading by
electronic mail upon another party who has filed such a waiver, the
serving party shall on the same date file and serve upon the receiving
party by method other than electronic mail a one-page “notice of service
by electronic mail” which describes with particularity the document or
pleading which was served by electronic mail. The receiving party shall,
within five (5) days of service of the aforesaid notice, file and serve by
method other than electronic mail a one-page response denominated
either “confirmation of receipt of electronic mail” or “notice of non-
receipt of electronic mail” specifically acknowledging and confirming
receipt or denying same.

- (b) Service by the council. All notices, findings of fact, decisions, and orders required to be served by the council may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously.

Service of documents shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

- (c) Certificate of service. There shall appear on the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120 (2)(a).

Dated at this day of

(signature)"

- (3) Courtesy Copies. Parties are encouraged to send courtesy copies of documents to the council and all other parties via electronic mail.

- (4) Timing of Filing and Service. Filing and service shall occur on the same date.

[Statutory Authority: RCW 80.50.040(1) and 34.05.250. 98-01-084, § 463-30-120, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040. 90-05-018, § 463-30-120, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-120, filed 11/16/76.]